

In each of the above noted rejections, the Examiner relies on the Fujitani reference. The Fujitani reference was published October 25, 2001, filed February 22, 2001 and claims priority from a Japanese application filed on March 14, 2000.

Applicant provides herewith a 37 CFR Section 1.131 affidavit from inventor Stuart Asakawa including reference to the claims as filed, reference to a lab book dated December 5, 2000 and reference to a disclosure document submitted to the Legal Department of the Assignee of the present application. In addition, applicant submits herewith an affidavit by applicant's representative Keith A. Cushing indicating activity conducted in association with preparing and filing the present application on July 13, 2001.

The above-noted affidavits and associated materials clearly establish invention prior to the February 22, 2001 effective date of the Fujitani reference.

Accordingly, applicant respectfully requests that the Fujitani reference be withdrawn from consideration in the present application. In so far as the Fujitani reference is relied upon in each and every rejection outstanding in the present application, applicant respectfully submits that all outstanding rejections as stated in reliance on the Fujitani reference must be withdrawn.

Accordingly, applicant respectfully requests that all outstanding rejections in the present application be withdrawn.

Respectfully submitted,

Keith A. Cushing

Reg. No. 32,407  
503-220-85785

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the US Postal Service as First Class Mail, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, DC 20231, on the date indicated below.

Date

2-20-03

Keith A. Cushing  
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